

ESTTA Tracking number: **ESTTA475075**

Filing date: **05/29/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203201
Party	Plaintiff Automotive Rentals, Inc.
Correspondence Address	Patricia Kane Williams Law Office of Patricia Kane Williams LLC 418 Washington Ave. Haddonfield, NJ 08033 UNITED STATES pat@patriciakaneWilliams.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Patricia Kane Williams
Filer's e-mail	pat@patriciakaneWilliams.com, trademarks@canopylegal.com
Signature	/Patricia Kane Williams/
Date	05/29/2012
Attachments	ARI - Motion to Amend Notice of Opposition Signed- PARTNERS IN BUSINESS EXCELLENCE Opposition.pdf ( 3 pages )(113200 bytes ) ARI - Signed Amended Notice in Opposition - PARTNERS IN EXCELLENCE.pdf ( 5 pages )(407120 bytes ) ARI - Reg Certificate 2382553 - PARTNERS IN EXCELLENCE ARI Logo CI 36.pdf ( 1 page )(24507 bytes ) ARI - Reg Certificate 3165274 - PARTNERS IN EXCELLENCE CI 42.pdf ( 1 page )(22516 bytes ) ARI - Reg Certificate 3165275 - PARTNERS IN EXCELLENCE CI 35.pdf ( 1 page )(24964 bytes )

**In the United States Patent and Trademark Office**  
**Before the Trademark Trial and Appeal Board**

In the Matter of Application No. 85/366,857

Published in the Official Gazette on December 6, 2011

_____	}	
Automotive Rentals, Inc.	}	
Opposer,	}	
v.	}	
Balbina Taguines,	}	Opposition No.: 91203201
Applicant.	}	
_____	}	

BOX TTAB  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Motion to Amend Notice of Opposition

Opposer, Automotive Rentals, Inc., hereby moves to amend its Notice of Opposition in the above-captioned case, pursuant to Rule 2.107 of the Rules of Practice of the Patent and Trademark Office and Rule 15 of the Federal Rules of Civil Procedure. Specifically, Opposer seeks to amend said Notice of Opposition as a matter of course within 21 days after service of Applicant's Answer on February 13, 2012.

Rule 15(a) of Fed. R. Civ. P. provides that a party may amend its pleading with the opposing party's written consent. Counsel for Applicant has provided written consent to this motion to amend. Rule 15(a) of Fed. R. Civ. P. also provides liberality in amending pleadings where justice so requires. It is the practice of the Patent and Trademark Office liberally to grant motions to amend. *Fred Beverages, Inc. v. Fred's Capital Management Company*, 605

F.3d 963 (Fed. Cir. 2010). In view thereof, it is respectfully requested that Opposer's Motion to Amend be granted. The additional fee is submitted herewith.

Respectfully submitted,  
/Patricia Kane Williams/

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Patricia Kane Williams  
Date: \_May 29, 2012

Law Office of Patricia Kane Williams LLC  
418 Washington Avenue  
Haddonfield, NJ 08033  
Tel. (856) 354-4760  
Fax (856) 375-8163  
pat@patriciakanewilliams.com  
Attorney for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the following document:

**MOTION OF OPPOSER TO AMEND**

was served upon Bruno W. Tarabichi, Owens Tarabichi LLP, 111 N. Market St., Suite 730, San Jose, California 95112 by mailing such document on May 29, 2012 by U.S. Postal Service Express mail, postage prepaid.

I declare under penalty of perjury under the laws of the State of New Jersey and the United States of America that the foregoing is true and correct.

/Patricia Kane Williams/  
Patricia Kane Williams  
Dated: May 29, 2012

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Automotive Resources International

4001 Leadenhall Road, P.O. Box 5039, Mount Laurel, NJ 08054  
P 856-778-1500 / F 856-778-6200 / arifleet.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/366,857

Published in the *Official Gazette* on December 6, 2011

_____	}	
Automotive Rentals, Inc.	}	
Opposer,	}	
v.	}	
Balbina Taguines,	}	Opposition No.: 91203201
Applicant.	}	
_____	}	

BOX TTAB  
NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**AMENDED NOTICE OF OPPOSITION**

Automotive Rentals, Inc., a corporation organized and existing under the laws of the State of New Jersey, believes that it will be damaged by registration of the mark shown in Serial No. 85/366,857 in Class 035 (advertising; business management; business administration; office functions) and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. The Applicant seeks to register "YOUR PARTNER IN BUSINESS EXCELLENCE!" as a trademark for on-line advertising services for others in International Class 035, claiming a bona fide intention to use the mark, as is evidenced by the publication of said mark in the *Official Gazette* in the December 6, 2011 issue.

2. The Opposer has since as early as 1988 used the marks PARTNERS IN EXCELLENCE and PARTNERS IN EXCELLENCE in a design for customer service in the field of fleet leasing and management, providing quality assurance services in the field of fleet leasing and management and fleet vehicle insurance administration; fleet vehicle insurance claims administration and processing; fleet vehicle financing. Opposer is submitting herewith as part hereof and marked Exhibits A, B and C respectively, Registration Nos. 3165275 issued October 31, 2006; 3165274 issued October 31, 2006 and 2382553 issued September 5, 2005 covering these marks.





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3. There is no issue as to priority. The Applicant filed her intent to use application on July 8, 2011. On information and belief, the Applicant just began use of the mark in the spring of 2012. Such use commenced subsequent to the issuance dates of Opposer's Registrations 3165275, 3165274 and 2381553.

4. Opposer has sold its services listed in the previously mentioned registrations under the previously mentioned marks as hereinbefore referred to throughout the United States. Opposer has developed an exceedingly valuable goodwill with respect to the marks covered by the previously mentioned registrations.

5. By virtue of its efforts, and the expenditure of considerable sums of promotional activities, and by virtue of the excellence of its products, the Opposer has gained for its above identified marks a most valuable reputation.

6. The trademark proposed for registration by the applicant, namely, YOUR PARTNER IN BUSINESS EXCELLENCE!, would be taken by purchasers of fleet leasing and management services, fleet vehicle insurance administration, fleet vehicle insurance claims administration and processing and fleet vehicle financing as an indication of origin in Opposer, as the words PARTNER IN EXCELLENCE are incorporated in their entirety in Opposer's PARTNERS IN EXCELLENCE marks and would be used in connection with the identical services as those sold by Opposer. The words YOUR and BUSINESS and the exclamation point are insufficient to distinguish Applicant's mark from that of the Opposer, in that they convey services used in business and intensity of emphasis, impressions consistent with that conveyed by Opposer's PARTNERS IN EXCELLENCE marks. The net effect of the words YOUR and BUSINESS and the exclamation point is to stimulate recall of Opposer's well-known PARTNERS IN EXCELLENCE marks.

7. Applicant's mark consists of or comprises matter that falsely suggests a connection with Opposer.

8. Applicant's mark so nearly resembles the Opposer's marks as to be likely, when used in connection with the services of Applicant, to be confused therewith and mistaken therefor. The Applicant's mark is deceptively similar to Opposer's marks so as to cause confusion and lead to deception as to the origin of Applicant's services bearing the Applicant's mark.

9. Opposer's mark PARTNERS IN EXCELLENCE in a design (Registration No. 2382553) contains designs of a globe, silhouettes and a polygon. However, the words PARTNERS IN EXCELLENCE have a separate commercial impression. The design does not meaningfully distinguish the mark from YOUR PARTNER IN BUSINESS EXCELLENCE! Under these circumstances, confusion is likely.

10. If the Applicant is permitted to use and register her mark for her services in Class 035, as specified in the Application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of the similarity between the Applicant's mark and the Opposer's marks. Persons familiar with Opposer's marks would be likely to buy Applicant's services as and for services provided and sold by the Opposer. Any such confusion in trade inevitably would result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with





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Applicant's services marketed under its mark would necessarily reflect upon and seriously injure the reputation that the Opposer has established for its services in connection with which its marks are used.

11. Opposer has been advertising its mark extensively since at least 1988. It advertises across the United States, in both print and electronic media. Its partnership approach to providing services is emphasized in all its sales materials. Case studies publicized by Opposer stress that Opposer works as a team with its clients' staff. Opposer intentionally promotes a conscious connection in the public's mind between its marks and its services. Opposer's annual revenues from services in connection with which Opposer's marks are used exceeds \$2 billion. Opposer spends millions of dollars/year in advertising with these marks. Opposer's marks are widely recognized by the general consuming public as a designation of Opposer as the source of its services. Therefore, Opposer's marks are famous.

12. As set forth in paragraphs 6 and 9 herein, Opposer's marks and the mark Applicant intends to use are very similar. Since 1988, Opposer has expended large sums of money to promote its services under its marks. Its advertisements have appeared in publications across the country, and it has customers in every state. Opposer has consistently given notice of its trademark rights to the public by using the symbols ® and ™ in connection with its marks. As a result, the public has come to recognize Opposer's marks as indicators of the source of Opposer's services, and Opposer's marks are distinctive. Use and/or registration by Applicant of its proposed mark would cause dilution by blurring of Opposer's Marks, regardless of the presence or absence of actual or likely confusion, of competition or of actual economic injury.

9. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.

Wherefore, the Opposer prays that the application Serial No. 85/366,857 be rejected, and that the registration therein sought for the services therein specified in International Class 035 be denied and refused.

Opposer hereby gives notice under 37 C.F.R. 2.122(d), that in this opposition proceeding and in any appeals relating thereto, it will rely on its registrations which are annexed as exhibits to this Notice of Opposition as evidence in support of this Notice of Opposition.

The Opposer by authority of the undersigned, hereby appoints Patricia Kane Williams, a member of the Bar of the State of New Jersey, Law Office of Patricia Kane Williams LLC, 418 Washington Ave., P.O. Box 1078, Haddonfield, New Jersey 08033, its duly authorized attorney in the matter of the opposition identified above to prosecute said opposition, to transact all business in the Patent and Trademark Office and in the United States courts connected with this opposition, to sign its name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same.





Automotive Resources International

Respectfully submitted,

Automotive Rentals, Inc.

By: 

William E. Pierce, Vice President of Marketing





Automotive Resources International

\_\_\_\_\_  
State of New Jersey }  
County of }  
*Burlington* }  
\_\_\_\_\_ }

SS:

William E. Pierce, Vice President of Marketing of Automotive Rentals, Inc., being duly sworn, states that he has read and signed the Notice of Opposition herein and knows the contents thereof. He further states that the allegations are true, except as to the matters stated therein to be upon information and belief, and as to those matters, he believes them to be true.

Notary Public

(SEAL)

*Christine Sano Kull*

**CHRISTINE SANO KULL**  
**NOTARY PUBLIC OF NEW JERSEY**  
My Commission Expires Sept.23,2014



Int. Cl.: 36

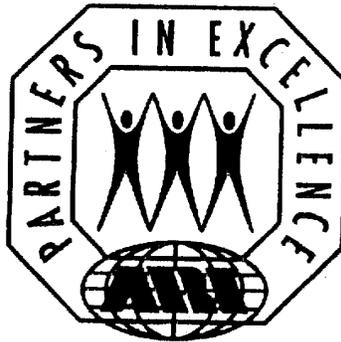
Prior U.S. Cls.: 100, 101 and 102

**United States Patent and Trademark Office**

Reg. No. 2,382,553

Registered Sep. 5, 2000

**SERVICE MARK  
PRINCIPAL REGISTER**



AUTOMOTIVE RENTALS, INC. (NEW JERSEY CORPORATION)  
9000 MIDLANTIC DRIVE  
P.O. BOX 5039  
MT. LAUREL, NJ 08054

FOR: FLEET VEHICLE INSURANCE ADMINISTRATION; FLEET VEHICLE INSURANCE CLAIMS

ADMINISTRATION AND PROCESSING; FLEET VEHICLE FINANCING , IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-0-1988; IN COMMERCE 1-0-1988.

SER. NO. 75-650,113, FILED 2-26-1999.

MARK SPARACINO, EXAMINING ATTORNEY

**Int. Cl.: 42**

**Prior U.S. Cls.: 100 and 101**

**United States Patent and Trademark Office**

**Reg. No. 3,165,274**

**Registered Oct. 31, 2006**

**SERVICE MARK  
PRINCIPAL REGISTER**

**PARTNERS IN EXCELLENCE**

AUTOMOTIVE RENTALS, INC. (NEW JERSEY  
CORPORATION)  
9000 MIDLANTIC DRIVE  
MOUNT LAUREL, NJ 08054

FOR: PROVIDING QUALITY ASSURANCE SER-  
VICES IN THE FIELD OF FLEET LEASING AND  
MANAGEMENT, IN CLASS 42 (U.S. CLS. 100 AND  
101).

FIRST USE 1-31-1988; IN COMMERCE 1-31-1988.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,324,140, 2,364,087,  
AND 2,382,553.

SER. NO. 78-775,063, FILED 12-16-2005.

DAVID TAYLOR, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,165,275**

Registered Oct. 31, 2006

**SERVICE MARK  
PRINCIPAL REGISTER**

**PARTNERS IN EXCELLENCE**

AUTOMOTIVE RENTALS, INC. (NEW JERSEY CORPORATION)  
9000 MIDLANTIC DRIVE  
MOUNT LAUREL, NJ 08054

FOR: CUSTOMER LOYALTY SERVICES AND CUSTOMER CLUB SERVICES, FOR COMMERCIAL, PROMOTIONAL AND/OR ADVERTISING PURPOSES; CUSTOMER SERVICE IN THE FIELD OF FLEET LEASING AND MANAGEMENT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-31-1988; IN COMMERCE 1-31-1988.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,324,140, 2,364,087, AND 2,382,553.

SER. NO. 78-775,078, FILED 12-16-2005.

DAVID TAYLOR, EXAMINING ATTORNEY